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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,623	04/25/2005	Helmuth Eggerts	3926.142	4748
30448	7590	12/13/2007		
AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER LEE, KYUNG S	
			ART UNIT 2832	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,623	Applicant(s) EGGERS ET AL.	
	Examiner K. Richard Lee	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Lindae (previously cited).
3. Lindae teaches a switch for actuating a first lighting system for emitting a visible light with a low beam and a high beam (col. 2, line 23), and a second lighting system for emitting an infrared (col. 2, line 31); a single switch with a number of switching stages (col. 3, lines 21-27) for actuating the lighting system; and the arrangement of the stages are fixed such that the switching stages representing the high beam (upper beam) can be switched on only after switching the switching stage of the second lighting system (col2, lines 24-31: the infrared light is switched on with the low beam and then it's possible to switch over from the low beam to the high beam as required).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14 to 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindae in view of Bernard (previously cited).

Lindae teaches the claimed invention except for the switch having a switching stage that cannot latch and be held manually at a respective position. Bernard teaches a switch device having a switch stage that cannot latch tight and can be held manually at a respective position, for the purpose of signaling a turn or actuating a high beam. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide with non-latching switching stage for the purpose of actuating one of signaling a turn or actuating a high beam.

6. Regarding claims 16 and 17, Bernard teaches the switch being mounted rotatable and mounted by means of a swivel axis.

7. Claims 8-12, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindae in view of Wolfe (previously cited).

Lindae teaches the claimed invention except for the switching stages actuated in one direction, and also offer a pilot light. Wolfe teaches a lighting switch having the switching stages actuated in one direction for the purpose of controlling nine different lighting stages. Wolfe also teaches plurality of visual indicators (fig. 1) to provide feedback to the user. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a lighting switch having the switching stages actuated in one direction as taught by Wolfe since it would provide the user with manually controlling nine different lighting stages for a vehicle. Visual indicators provide obvious advantages.

Regarding claim 8, Wolfe, teaches additional light settings such as a fog lamp, for a second lighting system. Regarding “the second and the third lighting systems” and “the second and the third switching system can be switched on only after switching the switching stage representing the lower beam” Wolfe discloses plurality of lighting system (fig. 1), where subsequent lighting system are actuated only after actuating the lower beam. In other word, the actuator is rotated in one direction to actuate.

Regarding claims 9-11, Wolfe discloses the rotatable switch with its swivel axis of rotation and switch latching (held in switching stage).

Response to Arguments

8. Applicant's arguments filed 9/17/2007 have been fully considered but they are not persuasive.

9. Regarding claim 13, Applicant argues that DE3932216 (Lindae) “does not disclose a switch for actuating a first lighting system for emitting visible light having a lower beam and an upper beam, and for actuating a second lighting system for emitting light whose wavelength region is in the infrared region.” That Lindae “has only one lighting system.” The examiner respectfully disagrees. Lindae’s switch actuates two lighting systems (broadest interpretation). A first lighting system actuates a lower beam and an upper beam, as the actuator is moved, and a second lighting system where the infrared lighting is actuated simultaneously with the lower beam. Claim 13, as it currently stands, does not exclude that “only lower beam must be actuated” at the first switching stage or that the “second lighting system” or the “two lighting systems” must not or can not be actuated with the actuation of the lower beam.

10. Applicant further argues that Lindae “does not disclose the arrangement of the switching stages of the switch is fixed in such a way that the switching stages representing the upper beam can be switched only after switching the switching stage of the second lighting system.” The examiner respectfully disagrees. As discussed above, Lindae discloses the two lighting systems, where the actuation of the second lighting system (the infrared light with the lower beam), the upper beam can be switched on over from the lower beam to the upper beam.

Regarding claim 8, Applicant argues that Lindae does not disclose the second and the third lighting system and that the other cited references do not make up the differences between Lindae and the present application. The examiner respectfully disagrees. Lindae discloses at least two lighting systems as disclosed above in claim 13. Further, Wolfe discloses additional lighting systems and the switching stages, as claimed. Regarding “the second and the third lighting systems” and “the second and the third switching system can be switched on only after switching the switching stage representing the lower beam” Wolfe discloses plurality of lighting system (fig. 1), where subsequent lighting system are actuated only after actuating the lower beam. In other word, the actuator is rotated in one direction to actuate. Therefore, Lindae in view of Wolfe teaches the claimed invention of claim 8.

Conclusion


11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Richard Lee whose telephone number is (571) 272-1994. The examiner can normally be reached on M and W-F from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


K. Richard Lee
Primary Examiner
USPTO